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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 PACIFIC COAST STEEL, *et al.*,

11 Plaintiffs,

12 v.

13 TODD LEE LEANY, *et al.*,

14 Defendants.
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Case No. 2:09-CV-02190-KJD-PAL

ORDER

16 Presently before the Court is Defendants' Motion to Amend Answer and Counterclaim/Third
17 Party Complaint (#125). Plaintiffs filed a response in opposition (#138) to which Defendants replied
18 (#141). Having read and considered the motion and good cause being found, the Court grants the
19 motion to amend. The Court finds good cause to amend the scheduling order, despite the expired
20 deadline. Defendants did not unduly delay in seeking amendment. Facts were discovered after the
21 deadline expired which justify the amendment. Furthermore, the Court finds that the amendments
22 are not futile. Plaintiffs essentially seek summary judgment on the claims before they are asserted in
23 the complaint. However, the Court denies summary judgment without prejudice.

24 Accordingly, IT IS HEREBY ORDERED that Defendants' Motion to Amend Answer and
25 Counterclaim/Third Party Complaint (#125) is **GRANTED**;
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1 IT IS FURTHER ORDERED that Defendants file their Amended Answer and
2 Counterclaim/Third Party Complaint within ten (10) days of the entry of this order.

3 DATED this 21st day of January 2011.
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7 Kent J. Dawson
8 United States District Judge
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